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## STATUTORY INSTRUMENTS

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# 2020 No. 1104

## The Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020

### PART 3

#### Enforcement

##### Fixed penalty notices

6.—(1) An authorised person may issue a fixed penalty notice to anyone that the authorised person reasonably believes—

- (a) has committed an offence under these Regulations, and
- (b) is aged 18 or over.

(2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to an authority specified in the notice.

(3) The authority specified in the notice must be—

- (a) the local authority (or as the case may be, any of the local authorities) in whose area the offence is alleged to have been committed (“the relevant local authority”), or
- (b) an officer designated by the Secretary of State, or by the relevant local authority, for the purposes of this regulation (“the designated officer”).

(4) Where a person is issued with a notice under this regulation in respect of an offence—

- (a) no proceedings may be taken for the offence before the end of the period of 28 days following the date of the notice;
- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(5) A fixed penalty notice must—

- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
- (b) state the period during which (because of paragraph (4)(a)) proceedings will not be taken for the offence;
- (c) specify the amount of the fixed penalty;
- (d) state the name and address of the person to whom the fixed penalty may be paid;
- (e) specify permissible methods of payment.

(6) Except in the cases mentioned in paragraphs (9) and (10), the amount of the fixed penalty to be specified under paragraph (5)(c) is as follows—

- (a) if the fixed penalty notice is the first one issued to the person under a relevant enactment, the amount is—

*Status: Point in time view as at 23/10/2020. This version of this provision has been superseded.*

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- (i) £100, if the amount is paid before the end of the period of 14 days following the date of the notice;
  - (ii) otherwise, £200;
- (b) if the fixed penalty notice is not the first one issued to the person under a relevant enactment, the amount is—
- (i) £400, if it is the second fixed penalty notice so issued;
  - (ii) £800, if it is the third fixed penalty notice so issued;
  - (iii) £1,600, if it is the fourth fixed penalty notice so issued;
  - (iv) £3,200, if it is the fifth fixed penalty notice so issued;
  - (v) £6,400, if it is the sixth or any subsequent fixed penalty notice so issued.
- (7) In paragraph (6) “relevant enactment” means—
- (a) these Regulations;
  - (b) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020;
  - (c) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020;
  - (d) the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 <sup>M1</sup>;
  - (e) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 <sup>M2</sup>;
  - (f) the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020 <sup>M3</sup>;
  - (g) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 <sup>M4</sup>;
  - (h) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Luton) Regulations 2020 <sup>M5</sup>;
  - (i) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020 <sup>M6</sup>;
  - (j) the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020 <sup>M7</sup>;
  - (k) the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020 <sup>M8</sup>;
  - (l) the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020 <sup>M9</sup>;
  - (m) the Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020 <sup>M10</sup>;
  - (n) the Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020 <sup>M11</sup>.
- (8) For the purposes of determining how many fixed penalty notices have been issued to a person under a relevant enactment, no account is to be taken of any fixed penalty notice issued to the person under—
- (a) these Regulations, if the notice was issued to the person in respect of a business restriction offence or an offence of contravening the Tier 2 restriction imposed by paragraph 3 of Schedule 1;
  - (b) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 2 of Schedule 1 to those Regulations;

- (c) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 3 of Schedule 1 to those Regulations;
  - (d) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, if the notice was issued to the person in respect of an offence of contravening a restriction or requirement imposed by regulation 4A, 4B, 5A or 5B of those Regulations;
  - (e) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 14(7D)<sup>M12</sup> of those Regulations, committed on or after 14th October 2020.
- (9) In the case of a fixed penalty notice issued in respect of the offence under regulation 5(1)(a) of contravening a restriction imposed by paragraph 3 of Schedule 1, the amount of the fixed penalty to be specified under paragraph (5)(c) is £10,000.
- (10) In the case of a fixed penalty notice issued in respect of a business restriction offence, the amount of the fixed penalty to be specified under paragraph (5)(c) is—
- (a) £1,000, if the fixed penalty notice is the first one issued to the person in respect of a business restriction offence;
  - (b) £2,000, if the fixed penalty notice is the second one issued to the person in respect of a business restriction offence;
  - (c) £4,000, if the fixed penalty notice is the third one issued to the person in respect of a business restriction offence;
  - (d) £10,000, if the fixed penalty notice is the fourth one, or any subsequent one, issued to the person in respect of a business restriction offence.
- (11) In determining how many fixed penalty notices have been issued to a person for the purposes of paragraph (10), a fixed penalty notice issued to the person under the following Regulations is to be treated as if it were issued in respect of a business restriction offence—
- (a) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, if the notice was issued in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;
  - (b) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;
  - (c) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, if the notice was issued to the person in respect of an offence of contravening regulation 4A or 4B of those Regulations;
  - (d) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 14(7D) of those Regulations, committed on or after 14th October 2020;
  - (e) the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020<sup>M13</sup>;
  - (f) the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020<sup>M14</sup>.
- (12) In this regulation, unless otherwise specified “business restriction offence” means—
- (a) an offence under regulation 5(1)(a) of contravening a Tier 2 restriction imposed by Part 2 or 3 of Schedule 1;

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(b) an offence under regulation 5(1)(c) of failing to comply with a prohibition notice given under regulation 4.

(13) Whatever other method may be specified under paragraph (5)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (5)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(14) Where a letter is sent as mentioned in paragraph (13), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(15) In any proceedings, a certificate—

(a) that purports to be signed by or on behalf of—

(i) the chief finance officer of the relevant local authority, where the authority to which payment is made is a local authority, or

(ii) the designated officer, where that officer is the authority to which payment is made, and

(b) that states that the payment of a fixed penalty was, or was not, received by the date specified in the certificate,

is evidence of the facts stated.

(16) In this regulation—

(a) “authorised person” means—

(i) a constable;

(ii) a police community support officer;

(iii) a person designated by the Secretary of State for the purposes of this regulation;

(iv) subject to paragraph (17), a person designated by the relevant local authority for the purposes of this regulation;

(b) “chief finance officer”, in relation to a local authority, means the person with responsibility for the authority's financial affairs.

(17) The relevant local authority may only designate a person for the purposes of this regulation to issue fixed penalty notices where the alleged offence relates to—

(a) the contravention of a Tier 2 restriction imposed by Part 2 or 3 of Schedule 1, or

(b) the obstruction under regulation 5(1)(d) of a person carrying out a function under regulation 4.

#### **Commencement Information**

**I1** Reg. 6 in force at 14.10.2020, see reg. 1(2)

#### **Marginal Citations**

**M1** [S.I. 2020/350](#), which was revoked by [S.I. 2020/684](#), with savings.

**M2** [S.I. 2020/684](#), as amended by [S.I. 2020/719](#), 750, 788, 800, 822, 824, 828, 863, 865, 907, 974, 986, 988, 1010, 1019, 1029, 1046 and 1057.

**M3** [S.I. 2020/685](#), which was revoked by [S.I. 2020/824](#), with savings.

**M4** [S.I. 2020/750](#), as amended by [S.I. 2020/800](#), 822, 824, 828, 865, 907, 974, 988, 1010 and 1019.

**M5** [S.I. 2020/800](#), which was revoked by [S.I. 2020/822](#), with savings.

**M6** [S.I. 2020/822](#), which was revoked by [S.I. 2020/1019](#), with savings.

**M7** [S.I. 2020/824](#), as amended by [S.I. 2020/ 828, 865, 875, 907, 954, 974, 986, 987, 988, 1010, 1019 and 1029](#).

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- M8** [S.I. 2020/828](#), amended by [S.I. 2020/846](#), 865, 897, 907, 931, 954, 974, 986, 988, 1010, 1019, 1029, 1041, 1057 and 1074. The title of the Regulations was changed by [S.I. 2020/865](#).
- M9** [S.I. 2020/974](#), which was revoked by [S.I. 2020/1074](#).
- M10** [S.I. 2020/988](#), amended by [S.I. 2020/1010](#), 1019 and 1029.
- M11** [S.I. 2020/1010](#), as amended by [S.I. 2020/1012](#), 1019, 1029, 1041, 1057 and 1074. The title of the Regulations was changed by [S.I. 2020/1019](#).
- M12** Regulation 14(7D) is inserted by paragraph 2(5) of Schedule 3 to the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020.
- M13** [S.I. 2020/1005](#), as amended by [S.I. 2020/1045](#) and 1046.
- M14** [S.I. 2020/1008](#), as amended by [S.I. 2020/1045](#), 1046 and 1074.

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**Changes to legislation:**

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